

## REMARKS

Reconsideration and allowance of this application are respectfully requested in light of the above amendments and the following remarks.

Claims 1-6 have been canceled in favor of new claims 7-11. Support for the amendments is provided for example in the original claims and Figs. 10 and 11 and their accompanying descriptions in the specification.

Claims 1-6 were rejected, under 35 USC § 103(a), as being unpatentable over Kim et al. (US 7,372,842) in view of Seo et al. (US 2003/0185159). To the extent these rejections may be deemed applicable to new claims 7-11, the Applicants respectfully traverse based on the points set forth below.

New claim 7 defines a transmitting method that normally transmits downlink propagation path quality information in a scheduled period and transmits extra downlink propagation path quality information in a period that does not overlap an uplink or a downlink transmission gap interval. The extra downlink propagation path quality information is generated in a first period occurring after a downlink transmission gap interval. The claimed subject matter supports communicating current propagation path quality information for compressed mode communication so as to improve communication quality (see specification page 8, line 20, through page 10, line 21). (References herein to the specification and drawings are for illustrative purposes only and are not intended to limit the scope of the invention to the referenced embodiments.)

Kim discloses transmitting ACK/NACK information after a transmission gap has ended and that by removing a period occupied by a UE from an HSDPA non-transmittable period it is

possible to minimize this period (see Kim col. 18, lines 30-45). To be more specific, Kim discloses removing an ACK/NACK transmission period from a conventional HSDPA non-transmittable period (see Kim's Fig. 9) to a period that is outside the HSDPA non-transmittable period and after a transmission gap (see Kim's Fig. 10). Further, Kim discloses shifting a scheduled period in which the ACK/NACK transmission is normally scheduled (equivalent to the scheduled period of the present invention) to a different timing period than a conventional timing period.

Thus, Kim discloses transmitting ACK/NACK information in a scheduled period, but fails to disclose the Applicants' claimed subject matter of transmitting extra downlink propagation path quality information. Therefore, it necessarily follows *per force* that Kim does not disclose the specific conditions for transmitting the extra downlink propagation path quality information recited in Applicants' claim 7. More specifically, Kim does not disclose the Applicants' claimed subject matter of transmitting extra downlink propagation path quality information, generated in a first period occurring after a downlink transmission gap interval, in a period that does not overlap an uplink or the downlink transmission gap interval.

Seo is not cited in the Office Action for supplementing the teachings of Kim in this regard.

Accordingly, the Applicants submit that the teachings of Kim and Seo, considered individually or in combination, do not render obvious the subject matter defined by new claim 7. Independent claim 9 similarly recites the above-mentioned subject matter distinguishing method claim 7 from the applied references, but with respect to an apparatus. Therefore, allowance of claims 7 and 9 and all claims dependent therefrom is considered to be warranted.

If any issues remain which may best be resolved through a telephone communication, the Examiner is requested to telephone the undersigned at the local Washington, D.C. telephone number listed below.

Respectfully submitted,

/James Edward Ledbetter/

Date: September 9, 2008  
JEL/DWW/att

James E. Ledbetter  
Registration No. 28,732

Attorney Docket No. 009289-05142  
Dickinson Wright, PLLC  
1901 L Street, N.W., Suite 800  
Washington, D.C.  
20036-3506  
Telephone: (202) 457-0160  
Facsimile: (202) 659-1559